

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CHRISTOPHER MOSELY,

Plaintiff

VS.

AUBREY JONES, *et. al.*,

Defendants

NO. 5:09-CV-11 (CAR)

**PROCEEDINGS UNDER 42 U.S.C. § 1983
BEFORE THE U. S. MAGISTRATE JUDGE**

RECOMMENDATION

On February 27, 2009, the court issued an order providing instructions to the parties in the above-styled action. Tab #5. In the order, the court advised the plaintiff of his duty to keep the Clerk of this court and opposing parties advised **at all times** of his current address. Moreover, the court advised the plaintiff that failure to advise the Clerk of any change in address could result in dismissal of pleadings or of the case itself pursuant to Rule 41(b) of the FEDERAL RULES OF CIVIL PROCEDURE.

On August 28, 2009, the court directed plaintiff Mosley to respond to a Motion for Summary Judgment (Tab #18). Tab #19. This order has been returned to the court in an envelope marked “RTS-maxed out - Return to Sender - Not Deliverable as Addressed - Unable to Forward.” Furthermore, a search of the Georgia Department of Corrections website indicates that plaintiff Mosley was paroled on August 13, 2009. In view of these facts, it is clear that plaintiff Mosley has failed to comply with the court’s order of February 27, 2009, requiring him to keep the court and other parties advised of his address and further requiring him to diligently prosecute his case.

Accordingly, IT IS RECOMMENDED that this action be DISMISSED. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

Although it appears to be an exercise in futility, the Clerk is directed to serve the plaintiff with a copy of this order by mailing it to him at the LAST ADDRESS provided by him.

SO RECOMMENDED, this 9th day of SEPTEMBER, 2008.



A handwritten signature in black ink, reading "Claude W. Hicks, Jr." The signature is written in a cursive, flowing style.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE